

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937Q

Crl.MC.No. 3337 of 2015

CRIME NO. 148/2015 OF ATHOLY POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED:

**IBRAHIM P.K, AGED 49 YEARS
S/O. IMBICHI MAMMAD, PEETTAKANDY HOUSE, ULLIYERI,
KOYILANDY, KOZHIKODE DISTRICT.**

BY ADV. SRI.K.R.RADHAKRISHNAN NAIR

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE MOTOR VEHICLE INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE, KOYILANDY,
KOZHIKODE DISTRICT.**
- 3. THE REGIONAL TRANSPORT OFFICER,
VADAKARA, KOZHIKODE DISTRICT.**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

- ANNEXURE A-1:** CERTIFIED COPY OF THE FIR IN CRIME NO.148/2015 OF
ATHOLY POLICE STATION, KOZHIKODE RURAL
- ANNEXUREA-2:** TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE
VEHICLE BEARING REG.NO.KL-18/B-1692
- ANNEXURE A3:** TRUE COPY OF THE DRIVING LICENSE NO.18/2062/1984 OF THE
PETITIONER
- ANNEXURE A4:** TRUE CPY OF THE CERTIFICATE ISSUED BY THE ROAD
ACCIDENT ACTION FORUM REG.NO.595/03 KOZHIKODE TO THE
PETITIONER
- ANNEXURE A5:** TRUE COPY OF THE SEIZURE MEMO DATED 1-4-15 ISSUED BY
THE R2
- ANNEXURE A6:** TRUE COPY OF THE APPEAL DATED 29-5-15 FILED BY THE
PETITIONER BEFORE THE R3

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. ABRAHAM MATHEW, J.

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Dated this the 12th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner was the driver of a vehicle which met with an accident in which one 'Krishnankutty' died. The case has been registered against him for the offence under Section 304A IPC. The prayer is to quash the proceedings in the criminal case and to revoke the order of suspension of the driving licence.

3. Heard.

4. The ground on which the petitioner seeks to quash the proceedings in the criminal case is that the accident was due to unforeseen reasons. It is a matter to be decided after investigation. This is not a valid ground to quash the proceedings. With regard to the suspension of the driving licence, the petitioner may make appropriate application before the competent authorities. If the application has already been filed, the authority may consider it and pass orders on merits.

In the result, this Crl. M.C. is dismissed. The appropriate authorities shall dispose of the application that has been filed by

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the petitioner within three weeks from the date of receipt of this order.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge